

TOXIC SUBSTANCES CONTROL ACT12-3-A. Civil Judicial Enforcement Actions, Including Collection Actions1. **AUTHORITY.**

- a. To request the attorney general to appear and represent the agency in any civil judicial enforcement action and to intervene in any civil enforcement action instituted under the Toxic Substances Control Act, including an action to collect unpaid penalties.
- b. To request the AG to decline to prosecute a previously referred civil judicial enforcement action, or to cease prosecution of a previously filed enforcement action.

2. **TO WHOM REDELEGATED.** Director, Enforcement, and Compliance Assurance Division.3. **LIMITATIONS.**


- a. Any official exercising this authority must obtain the advance concurrence of the regional counsel or designee on the legal sufficiency of the action. The RC may waive concurrence in writing.
- b. Any official exercising this authority must notify the assistant administrator or designee for the Office of Enforcement and Compliance Assurance prior to exercising the authority in 1.b. and when exercising the authority in 1.a. The AA for OECA may waive the notification in writing.

4. **REDELEGATION AUTHORITY.**

- a. These authorities may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. Memorandum of Understanding between the agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
- b. Sections 16, 17, and 20 of TSCA.
- c. See the Chapter 12 delegation entitled "Emergency Temporary Restraining Orders" for RAs' authority to make direct referrals of requests for emergency TSCA Temporary Restraining Orders.
- d. For imminent hazard actions under Section 7 of TSCA, see the Chapter 12 delegation entitled "Imminent Hazards."

  
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Debra H. Thomas  
Acting Regional Administrator

APR 29 2019

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Date